IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 21051 of 2007(F)

(E.P.NO.124/02 IN OS.210/2001 of PRL.M.C., KOCHI)

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PETITIONER:

K.K. BALAKRISHNAN,
CLERK, STATE BANK OF TRAVANCORE,
THOTTAKKATTUKARA BRANCH, ALWAYE, RESIDING AT
K.C.ABRAHAM ROAD, AYAMPILLY P.O.

BY ADV. SRI.SURESH JOSE

RESPONDENT:

LITTLE FLOWER KURIES &
ENTERPRISED LTD., FORT COCHIN, KOCHI-1,
REPRESENTED BY ITS CHAIRMAN.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21051/2007 F

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: COPY OF THE ATTACHMENT ISSUED BY THE PRINCIPAL MUNSIFF'S COURT, COCHIN IN E.P.124/02 IN O.S.NO.210/01 TO THE PETITIONER, DTD. 4/06/07.

/TRUE COPY/

P.A.TO JUDGE

Kss

M.N.KRISHNAN, J.

WP(C)No. 21051 OF 2007 F

Dated this the 6th August, 2007.

JUDGMENT

This writ petition is preferred against the order of attachment against the second respondent in E.P.124/2002 in O.S.210/01. The court below has ordered to attach the salary at the rate of Rs.4,700/- per month. Learned counsel for the writ petitioner submits that he is an employee in a bank and his promotion proceedings are being affected and therefore, if a reasonable time is granted he will pay off the liability and therefore, attachment should be averted. There is some earnestness in the submission made by the learned counsel for the writ petitioner. What the decree holder wants is the amount and he is not very much concerned about the mode in which it is being paid. Though the respondent is served, he has not chosen to enter appearance. Therefore the writ petition is disposed of as follows:

i) The order of attachment passed by the court below is set aside.

ii) The writ petitioner is directed to pay the decree amount in eight equal monthly instalments commencing from 5.9.2007.

iii) If the writ petitioner commits default of two consecutive instalments he will forfeit the benefit granted to him and the decree holder can request the court for seeking the order of attachment again for realising the amount.

M.N.KRISHNAN
Judge

jj